REMARKS

Claims 65-80 are currently pending. Claims 39-64 are cancelled without prejudice to the prosecution of any cancelled subject matter in other applications. New claims 65-79 are added and are believed to more clearly reflect the subject matter that Applicants regard as their invention.

Support for the new claims may be found in the specification at paragraphs 7-11, which describe a general culture method; paragraphs 25-29, which describe a general culture method as well as both morphological and flow cytometric analysis; paragraphs 14-19 which describe producing human dendritic Langerhans type cells; and paragraphs 20-24, which describe producing mouse dendritic Langerhans type cells. In addition, support for particular terms may be found in the specification for example at paragraph 6 ("mammalian species"); paragraph 12 (use of human platelets, and therefore the application of the general method to human cells); paragraph 13 (the use of mouse blood cells); paragraph 21 (the use of mouse bone marrow); paragraph 54 together with paragraphs 30, 31 and Figure 1C (morphological analysis to demonstrate dendritic processes); paragraphs 50 and 51 (flow cytometry as a means of immunophenotyping); paragraph 6 (omission of exogenous cytokine); paragraph 10 (2-8 days of culture); and paragraph 10 (at least 2 percent fetal calf serum).

The prior claims are rejected under 35 U.S.C. §112 as containing new matter. For reasons set forth below, the rejection should be withdrawn and the new claims should be allowed to issue.

1. The Claims Do Not Contain New Matter

Claims 39-64 are rejected under 35 U.S.C. §112, first paragraph. According to the Examiner, the specification does not contain an adequate written description of the claimed invention, and the claims contain new matter. Each of the terms/limitations which form the basis of this rejection are separately addressed below.

A. "Culturing Peripheral Blood Monocytes [With] Mammalian Platelets

The Examiner states that "the specification does not disclose . . . the culturing of *any* monocyte with *any* mammalian platelet."

Applicants assert that the new claims do not encompass culturing *any* monocyte with *any* mammalian platelet, so that the rejection should be removed.

B. "At About [] °C"

The Examiner states that "the specification does not disclose . . . a temperature range of 'about' 30°C to 'about' 40°C".

Applicants assert that the new claims do not use the word "about" to modify ranges. Therefore, the rejection should be removed.

C. "Analyzing"

According to the Examiner, the specification does not "support the generic 'analyzing' step of (c).

Applicants assert that the new claims refer to flow cytometric and/or morphologic analysis, so that the rejection should be removed.

D. "Wherein The Presence of Dendritic Morphology . . ."

According to the Examiner, the specification does not "support the final 'wherein' clause [of claims 39 and 52].

The exact basis for this rejection is unclear. However, as the "wherein" clause referred to is not present in the new claims, it is believed that this rejection is rendered moot, and should be removed.

E. "Flow Cytometry Analysis"

According to the Examiner, "the specification does not disclose the generic flow cytometry analysis of the claimed method."

Applicants respectfully disagree. The specification contains multiple disclosures of the use of flow cytometry analysis, for example, most generally, at paragraph 29, but also in paragraph 19, as well as in the working examples (paragraph 50, results in paragraph 54). Therefore, this rejection should be removed.

F. Rat Platelets/Mouse Monocytes

According to the Examiner, "the specification does not disclose the culture of rat platelets with mouse blood monocytes." The Examiner appears to be objecting to the reference to mouse monocytes as opposed to bone marrow cells in view of the fact that the use of mouse bone marrow cells is specified in the method set forth in paragraphs 20-24.

Applicants respectfully disagree, and invite the Examiner's attention to paragraphs 7-13 of the specification. In that general exposition of the inventive method, it is stated that either peripheral blood monocytes or bone marrow cells may be paired with platelets of the same or a phylogenetically close species, and then specifies, in paragraph 13, that rat

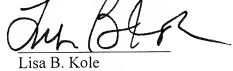
platelets may be "added to the medium containing mice blood cells." Because this refers back to the general embodiment that recites "peripheral blood monocytes", the "blood cells" are "monocytes". Therefore, the objection should be removed.

It is noted that elsewhere, in paragraphs 20-24, "another embodiment" is described in which mouse bone marrow cells are combined with rat platelets, so that the use of either mouse peripheral blood monocytes or bone marrow cells is disclosed (new claim 76).

CONCLUSION

Entry of the foregoing amendments and remarks into the file of the above-identified application is respectfully requested. Applicants believe that the inventions described and defined by claims 39-64 are patentable over the rejections of the Examiner. Withdrawal of all rejections and reconsideration of the amended claims is requested.

Respectfully submitted,



Lisa B. Kole
Patent Office Reg. No. 35,225
(212) 408-2628
Attorneys for Applicants
BAKER BOTTS L.L.P.
30 Rockefeller Plaza
New York, NY 10112--4498